

## **Proposed Resort and Casino**

Tohono O'odham Nation's has proposed to convert land at 91<sup>st</sup> and Northern Avenues into an Indian reservation for the purposes of developing a casino and resort. The proposal is a very complex issue. The City of Glendale, along with numerous other cities, legislators, organizations and Indian Tribes has come out in opposition to this project.

## **History**

Many years ago, the federal government constructed a dam across the Gila River. The federal government secured the appropriate rights to flood the land behind the dam. This flooding occurred over part of the Tohono O'odham's reservation. After the dam was completed, the Tohono O'odham complained about the flooding caused by the dam. In 1986, federal legislation was enacted to purchase the Gila Bend Reservation. That legislation provided funds for the Tribe to purchase replacement land to carry on their agricultural endeavors. Congress appropriated \$30 million for that purpose. One of the stipulations put on future purchases was that the land be in unincorporated parts of Maricopa, Pinal or Pima County. The Tribe could then apply to the U. S. Department of Interior to have the land taken into federal trust and designated an Indian reservation, which in effect creates a sovereign governmental entity. The intent of this act was not to have land within the corporate limits of a city or town converted to reservation land.

The land at Northern and 91<sup>st</sup> Avenues was purchased by the Tohono O'odham Nation under an assumed name in 2003. The land totals over 134 acres. At the time of the purchase, part of the parcel was "county land," meaning that it had not yet been incorporated into the City of Glendale. However, all of the land is completely surrounded by the City of Glendale and is within our city's exterior boundaries. Some of the land is actually within the city's jurisdictional boundaries. It is not, therefore, in compliance with the federal legislation passed in 1986.

## **Consequences**

Converting this land to an Indian Reservation means that it will be removed from any and all state and local oversight and regulatory control. For instance, the city has planning and zoning laws that apply to all businesses and development. These laws help to guide long-term development in order to create a vibrant community with a proper mix of all different types of uses, such as commercial, residential,

industrial, etc. The Tohono O'odham Nation would not have to listen to, consider, nor abide by any input from the city. They would be able to do anything that they wanted to with the land. It is important to remember that they have purchased 134 acres of land, much more than what is needed for a hotel and casino. They would be able to build anything they wanted to, and conduct anything type of activity they wanted to on the site, in addition to the uses they have told us about so far.

Just one of the many consequences of the Tribe exerting its sovereignty and freedom from zoning laws, is the fact that the proposed reservation site is within the restricted airspace of the Glendale Airport and future development on their land could create significant issues for our airport's existing and future operations.

The Indian reservation would also be exempt from all taxation, city, county, state and federal. Private development, under normal circumstances, provides revenues through taxation that benefit Glendale residents by allowing the city to provide services. On non-Indian reservation land, businesses collect and pay taxes that go to the region to pay for new freeways and transit services in Maricopa County approved by voters in 2004. On non-Indian reservation land, businesses collect and pay taxes there are taxes that go to state government to pay for schools, health services, and all the services that we are hearing about as Arizona's Governor and Legislature struggle with severe budget problems.

No revenue would be generated from any development on the reservation. For the City of Glendale that means residents would be left to pay for all of the increased demand for service caused by the Tribe's development. It also gives the Tribe a competitive advantage over other businesses in the area that pay taxes and fees to support municipal services and build infrastructure such as roads, water treatment plants, fire and police stations, etc.

Hundreds of millions of dollars have been invested in the area west and south of 91<sup>st</sup> Avenue and Northern Avenue over the last seven years. The Tribe owned land but did not participate in the funding for the infrastructure that will benefit their development. The City of Glendale and private investors paid for that infrastructure while the Tribe withheld information that they had purchased 134 acres and intended to create an Indian reservation with a gaming facility.

If an Indian reservation is created as the Tribe requests, the investors in this area would be forced to compete with a very large development with numerous competitive advantages. The City of Glendale would also incur significant expenses.

## **Cost to the City**

The city's cost to provide basic services to the site would be substantial. Public safety would be a serious issue. The reservation land will be subject to either tribal or federal law enforcement, but neither of these agencies has sufficient resources to assure the consistent on-going safety of the public. Moreover, in the past, agreements with the Tribe for fire protection are unenforceable and leave the City exposed to substantial liability and places its emergency personnel at potential risk. Estimates are that Glendale's on-going public safety costs could be as high as \$3.5 million annually and additional water, wastewater and traffic issues would create added costs.

## **What Happens Next**

The application is currently being reviewed by the United States Department of Interior. There is no specific timeline established for a final determination. In the meantime there have been numerous entities that have written a letter of opposition to the Department of Interior.

Current statements in opposition include:

- Gila River Indian Community
- Ak-Chin Indian Community
- Fort McDowell Yavapai Nation
- San Carlos Apache Tribe
- Tonto Apache Tribe
- White Mountain Apache Tribe
- Yavapai-Apache Nation
- City of Glendale
- Senator John McCain
- Senator John Kyl
- U.S. Representative Trent Franks
- U.S. Representative John Shadegg
- Mayor Phil Gordon, City of Phoenix
- Mayor James Cavanaugh, City of Goodyear
- Mayor L.L. Truitt, City of Surprise
- Mayor Jackie Meck, City of Buckeye
- Mayor Thomas Schoaf, City of Litchfield Park
- Mayor Michael LeVault, Town of Youngtown
- Arizona Representative Steve Montenegro

- Arizona Representative Jerry Weiers
- Glendale Chamber of Commerce
- Cathi Herrod, Center for Arizona Policy

For more in-depth information related to the social, financial, and legal implications of the Tohono O'odham's petition, please read the information posted on the City of Glendale website [www.glendaleaz.com](http://www.glendaleaz.com).